

EXHIBIT Q

**Redacted Version of
Document Sought to be Sealed**

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1 ** C O N F I D E N T I A L **

2 UNITED STATES DISTRICT COURT

3 NORTHERN DISTRICT OF CALIFORNIA

4 SAN JOSE DIVISION

5 Case No. 5:20-cv-5146-LHK

6 -----x

 PATRICK CALHOUN, ELAINE CRESPO,

7 HADIYAH JACKSON and CLAUDIA

 KINDLER, on behalf of all

8 others similarly situated,

9 Plaintiffs,

10 - against -

11 GOOGLE LLC,

12 Defendant.

13 -----x

14 (Caption Continued)

15 November 24, 2021

16 9:06 a.m.

17 VOLUME II

18 Continued Videotaped Deposition of

19 ABDELKARIM MARDINI, taken by Plaintiffs,

20 pursuant to Notice, held via Zoom

21 videoconference, before Todd DeSimone, a

22 Registered Professional Reporter and Notary

23 Public of the States of New York and New

24 Jersey.

25

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1 e-mail, if you look at the fourth bullet
2 from the Key Takeaways, she wrote "Focus on
3 messaging by I/O. Ensure it covers the
4 entire proposal - data disclosures, Ads
5 Privacy center, Chrome controls, data
6 retention within Chrome and Ads. A lot of
7 enthusiasm for [REDACTED] [REDACTED]' and
8 encouragement to dovetail with the broader
9 Google Incognito narrative if we're ready."

10 Do you see that?

11 A. Yes, I do.

12 Q. And what understanding, if any,
13 do you have regarding what that means, "A
14 lot of enthusiasm for [REDACTED]
15 [REDACTED]"?

16 MR. SCHAPIRO: Objection, the
17 document speaks for itself, calls for
18 speculation.

19 A. I don't recall exactly what the
20 term "[REDACTED] [REDACTED]" refers to in this
21 e-mail, so I think that a lot of enthusiasm
22 means a lot of enthusiasm. But [REDACTED]
23 [REDACTED] could mean many things, so I will
24 need to refresh my memory or look at what
25 this refers to to be able to, you know,

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1 parse it. I can't remember what [REDACTED]
2 [REDACTED] meant in 2019.

3 Q. Wouldn't that have been the
4 [REDACTED] [REDACTED] in line with the
5 thinking from Chris Palmer and others?

6 MR. SCHAPIRO: Objection,
7 foundation, calls for speculation.

8 A. No, not necessarily.

9 Q. Were there other [REDACTED]
10 [REDACTED] being considered at that time?

11 MR. SCHAPIRO: Objection,
12 foundation.

13 A. Yes, there were enhancements
14 being considered at that time.

15 Q. What [REDACTED] [REDACTED]
16 were being considered at that time?

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 So those are some of the
10 enhancements or some of the changes we were
11 considering and working on over the last
12 period of time.

13 Q. Can you identify any other
14 [REDACTED] [REDACTED] that were being
15 considered at that time?

16 A. Not off the top of my head at
17 this point. I mean, I said what I could
18 remember right now.

19 Q. Going back to the first page of
20 Exhibit 37, at the very bottom, Ms. Bindra
21 wrote "He specifically said that we do not
22 need to come back for a review but he would
23 review comms in the lead up to I/O."

24 Do you see that?

25 A. Yes, I do.

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1 Q. Yes.

2 A. Yes, I have it.

3 Q. And Exhibit 38 is a redacted
4 version of a document that Google produced
5 from your files. If you look at the very
6 last page, the custodian source identifies
7 you, Mr. Mardini. Do you see that on the
8 last page?

9 A. Yeah, page 32.

10 Q. And did you review this
11 document in preparation for your deposition
12 today?

13 A. No.

14 Q. If you know, what is this
15 document?

16 MR. SCHAPIRO: Objection,
17 foundation.

18 A. This document title is
19 Incognito Comms Work in Progress.

20 Q. And in Exhibit 37, Ms. Bindra
21 wrote "He specifically said that we do not
22 need to come back for a review but he would
23 review comms in the lead up to I/O."

24 And my question is, do you have
25 an understanding as to whether Exhibit 38

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1 reflects comms that were reviewed by
2 Mr. Pichai in the lead up to I/O?

3 MR. SCHAPIRO: Objection,
4 foundation.

5 A. No, I do not know.

6 Q. Did you provide feedback in
7 connection with the preparation of this
8 comms document?

9 A. I do not remember.

10 Q. Can you identify anyone who
11 provided input in connection with the
12 preparation of this document, Exhibit 38?

13 A. No, I cannot provide with
14 certainty people who give input to this
15 document, V10 Edits, so I'm not sure how
16 many versions there were and who provided
17 input on which version.

18 Q. And on the first page, do you
19 see where it states Sundar Talking Points?

20 A. Yes, I do.

21 Q. And do you understand that
22 Sundar to be a reference to Mr. Pichai?

23 MR. SCHAPIRO: Objection,
24 foundation.

25 A. I do not know.

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1 your work for Google?

2 A. Yes.

3 Q. And do you see the bolded
4 number 2 in your e-mail?

5 A. Yes.

6 Q. Under that, do you see the
7 sentence starting "Yesterday"?

8 A. Uh-huh.

9 Q. Would you please read that
10 sentence aloud.

11 A. "Yesterday, at the PDPO SC
12 meeting, Tom Oliveri was present and told
13 them that Sundar didn't want to put
14 incognito under the spotlight so this
15 iconography/rebranding should not be an I/O
16 topic."

17 Q. When you wrote "Sundar didn't
18 want to put incognito under the spotlight,"
19 were you referring to Mr. Pichai?

20 A. Yes.

21 Q. If you know, why did Mr. Pichai
22 not want to put incognito under the
23 spotlight?

24 MR. SCHAPIRO: Objection,
25 foundation.

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1 A. I do not remember the exact
2 context of why Sundar didn't want to put
3 incognito under the spotlight at that point
4 in time.

5 Q. Did you have any discussions
6 with other Google employees about why
7 Mr. Pichai at that time did not want to put
8 incognito under the spotlight?

9 MR. SCHAPIRO: Objection,
10 foundation, assumes facts not in evidence.

11 A. No, I don't remember.

12 Q. Why did you write "Please don't
13 forward" at the top of your e-mail?

14 A. Because I believe that this is
15 a topic that should not be discussed with a
16 wider list.

17 Q. Other than this e-mail, do you
18 recall telling anyone else that Mr. Pichai
19 did not want to put incognito under the
20 spotlight?

21 MR. SCHAPIRO: Objection,
22 misstates the testimony, foundation.

23 A. I do not recall whether I
24 shared this, but I was not present at that
25 meeting. I don't even remember who Tom

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1 Oliveri is, and it seems here I am relaying
2 a message that I heard second or thirdhand
3 probably from Sammit about a meeting, the
4 PDPO SC meeting, which I was not present
5 in, where a person named Tom Oliveri that I
6 didn't know, and probably this is why I
7 hyperlinked, because probably the
8 recipients of this e-mail also did not know
9 him. So as I said, I did not know why, I
10 don't know the reason, I just know that
11 this is a message that Sammit delivered to
12 me.

13 Q. Are you aware of any written
14 minutes of the meeting where Mr. Pichai
15 stated that he didn't want to put incognito
16 under the spotlight?

17 MR. SCHAPIRO: Objection,
18 assumes facts not in evidence, misstates
19 the document, foundation.

20 A. No, I do not know.

21 Q. After the bolded number 2 you
22 wrote "This was driven by Lorraine."

23 Do you see that?

24 A. Yes.

25 Q. Who were you referring to

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1 document?

2 Q. Yes.

3 (Witness perusing document.)

4 A. Yes.

5 Q. Mr. Mardini, do you see the
6 second bullet point there states

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 Do you see that?

12 A. Yes.

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 MR. SCHAPIRO: Objection, calls
17 for speculation.

18 A. As I said, I have not met or
19 been on e-mail threads or videoconferences
20 with Mr. Pichai, but I do know that, you
21 know, via hearing about it from other
22 people [REDACTED]

23 [REDACTED]

24 Q. And based on your discussions
25 with others, was it your understanding that

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1 it was Mr. Pichai's desire [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 MR. SCHAPIRO: Objection to the
4 form of the question, calls for
5 speculation.

6 A. No, I wouldn't say that this
7 was exclusively the case. I have been in
8 discussions with the PDPO team, the privacy
9 and data protection office at Google who
10 were interested in that, irrespective of
11 anything related to Mr. Pichai.

12 Also, I have been -- probably
13 some folks reached out to me from the
14 Google search app maybe or YouTube, I don't
15 remember, and wanted to learn a little bit
16 about how Chrome incognito works and what
17 are the promises that Chrome incognito
18 makes.

19 But users -- not users --
20 Googlers or employees in Google sometime
21 drop the name to get your attention. So
22 they would use that sometimes as a
23 technique to ensure that this request or
24 this request for meeting or this e-mail
25 gets the right level of attention or

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1 traction. So I would be very skeptical or
2 wary when someone sends me an e-mail saying
3 executive X wants this now, as a technique
4 to make me like maybe prioritize the
5 request.

6 Q. If you go on to the fourth
7 bullet, it states "Chrome is a Google
8 product. And Chrome is a browser."

9 Do you see that?

10 A. Yes.

11 Q. Do you agree with that?

12 A. Yes.

13 Q. And then the next bullet states

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Do you see that?

20 A. Yes.

21 Q. Do you have an understanding as
22 to what that means, [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 MR. SCHAPIRO: Objection, calls

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